

**Bureau of Land Management
DECISION RECORD
Determination of NEPA Adequacy
DOI-BLM-CO-N040-2018-0074-DNA
Lease Parcel Review December 2018**

DECISION:

It is my decision to implement the proposed action for two (2) of the seventeen (17) parcels as described in DOI-BLM-CO-N040-2018-0074-DNA. The parcels included in the sale are as follows: 8137 and 8136 in the Grand Junction Field Office. Initially 19,841.510 acres were considered, and 235.160 acres were removed after internal analysis and scoping. On November 2, 2018, the State Director, in coordination with the Washington Office, deferred an additional twelve (12) parcels (18,901.620 acres). On December 7, 2018, the three (3) remaining parcels in the Colorado River Valley Office (500.09 acres) were deferred. The Bureau of Land Management (BLM) will offer two parcels of land (204.730 acres) for lease in the December 13, 2018 competitive oil and gas lease sale. I accept the conclusions described in the Determination of NEPA [National Environmental Policy Act] Adequacy (DNA) with respect to these two parcels, specifically, that the analysis of the alternatives in the *Environmental Impact Statement for the Grand Junction Field Office Resource Management Plan* (2015 GJFO RMP/EIS), the *Environmental Impact Statement for Northwest Colorado Greater Sage-Grouse Resource Management Plan Amendment* (2015 GRSG RMPA/EIS) and *Final Environmental Assessment for the June 8, 2017 Competitive Oil and Gas Lease Sale* (June 2017 EA) provide sufficient information to inform me about the potential impacts of the proposed action of leasing these two parcels.

Terms/Conditions/Stipulations:

Standard terms and conditions, as well as the lease notices and stipulations identified by parcel in the Notice of Competitive Lease Sale and Attachment C to the DNA, will apply to any leases issued as a result of this sale.

AUTHORITIES:

The authority for this decision is contained in 30 USC § 226 and 43 Code of Federal Regulations (CFR) § 3100.

PLAN CONFORMANCE:

BLM has reviewed the proposed action for the two parcels, and found that it conforms with the following approved resource management plans: *Grand Junction Field Office Record of Decision and Approved Resource Management Plan* (2015 GJFO ROD/ARMP) and *Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment* (2015 GRSG ARMPA).

COMPLIANCE WITH MAJOR LAWS:

This decision complies with all applicable statutes, regulations, and policies, including the following:

- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act
- National Historic Preservation Act
- Clean Air Act
- Multiple-Use Sustained Yield Act
- Federal Onshore Oil and Gas Leasing Reform Act

MONITORING:

No monitoring is required in the sale and issuance of leases as a result of this decision. Should the parcels be developed, monitoring may be required.

ALTERNATIVES CONSIDERED:

Proposed Actions: The referenced EISs considered the impacts of an alternative that included the leasing of lands for oil and gas development within the respective field offices. The lands analyzed in those alternatives include the lands described in the proposed action for the corresponding field office. The EISs' alternatives are described in greater detail in the DNA.

The proposed action identified in the DNA included the lease sale and issuance for parcels identified in Attachment A of the DNA with standard stipulations as well as additional stipulations to address parcel-specific concerns (43 CFR§ 3101.1-3) consistent with the RMPs.

The act of leasing does not authorize any development or use of the surface of lease lands without further application and approval by the BLM. The legal descriptions, acreages per parcel, and applicable land use stipulations are identified in Attachment C of the DNA.

RATIONALE FOR DECISION:

The decision to approve the proposed action is based upon the following: 1) consistency with the approved resource management plans, 2) national policy, 3) agency statutory requirements, 4) relevant resource and economic issues, and 5) application of measures to avoid or minimize environmental impacts.

1. This decision is in conformance with the following approved resource management plans: *Grand Junction Field Office Record of Decision and Approved Resource Management Plan (2015 GJFO ROD/ARMP)* and *Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment (2015 GRSR ARMPA)*.
2. It is the policy of the BLM as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*], and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to

encourage development of mineral resources to meet national, regional, and local needs.

3. The decision is consistent with applicable law required for implementation of the Proposed Action reviewed under DOI-BLM-CO-N050-2018-0098-DNA, with respect to two parcels in the Grand Junction Field Office.
4. Lease stipulations for each parcel address resource concerns identified in the RMP NEPA review process. Economic contributions supported by implementation of the proposed action have been analyzed in the EISs referenced in the DNA.
5. Standard terms and conditions and special stipulations will apply. Lease stipulations consistent with the respective Resource Management Plans named above for the Grand Junction Field Office were added to address site specific concerns or new information not identified in the land use planning process.

PUBLIC SCOPING:

On July 2, 2018, the BLM initiated public scoping by posting a courtesy announcement of the proposed Lease Sale on the BLM website at:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/colorado>

On July 25, 2018, twenty-seven (27) courtesy letters were mailed to adjacent private surface owners of lands associated with the proposed lease parcels. Nineteen notification letters were also sent to federal, state, and local agencies and tribes. The BLM received 11 public comment submissions during scoping for the DNA, including one comprised of 86 separate form letters. The BLM also received recommendations from CPW for lease stipulations to be applied to various parcels.

PUBLIC PROTESTS:

On October 26, 2018, the BLM Colorado State Office (CSO) lease sale notice announced that parcels of land would be offered in a competitive oil and gas lease sale on December 13, 2018. This lease sale notice initiated a 10-day protest period for the lease sale. On November 5, 2018, the BLM COSO received seven timely protest letters, including one government agency and 2412 additional form letters (submitted through an organization's website), representing 3 organizations and four individuals.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (copy attached). If an appeal is taken, your notice of appeal must be filed in this office (at the

below address) within 30 days from your receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210

You may file a notice of appeal by paper copy only. Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Both the notice of appeal and any petition for stay must be received on paper at the office identified above.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for stay must accompany your notice of appeal. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the standards listed below.


Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success of the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and,
4. Whether the public interest favors granting the stay.

Approved by:

Date:


Suzanne Mehlhoff, Deputy State Director
Division of Energy, Lands, and Minerals

